THE PROCEEDINGS OF THE Present Parliament, &c.

THE PROCEEDINGS OF THE Present Parliament JUSTIFIED By the OPINION of the most Judicious and Learned *HUGO GROTIUS*; With Considerations thereupon.

WRITTEN

For the Satisfaction of some of the *Reverend Clergy* who yet seem to labour under some Scruples concerning the *Original Right of Kings*, their *Abdication of Empire*, and the Peoples inseparable Right of *Resistance*, *Deposing*, and of *Disposing and Settling of the Succession to the Crown.*

By a Lover of the Peace of his Country.

With Allowance.

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The Opinion of the moſt Learned and Judicious HUGO GROTIUS, *&c.*

THere are ſome, I do obſerve, amongſt the Clergy of the Church of *England*, who ſeem very much concerned for the late King's Intereſt, and diſſatisfied with the Management and Diſpoſure of Affairs relating thereto, by this Great and Honorable Convention of the Lords and Commons now aſſembled in Parliament. All who cheriſh Reſentments of this kind I dare not indiſtinguiſhably condemn, becauſe they may poſſibly be directed in ſome by a Principle of Honor and Honeſty: But thoſe whoſe Intentions are honeſt, and do not principally deſign thereby to betray their Country into Popery and Vaſſalage (for ſuch will be the natural Conſequences, tho not the Inducements to their Wiſhes) I deſire they would ſeriouſly weigh this Right they ſo much contend for, in the Ballance of Law and Reaſon, before they paſs a Cenſure, or ground an Opinion.

There can be no *Right* pretended either to Property or Dominion, but by the Laws of Nature, Nations, or the Municipal Laws of the Country where ſuch Right is claimed, and altho the latter of theſe are grounded upon and derived from the two former, yet do they notwithſtanding take place in the deciding of all Difficulties, ſo far as their Statutes or Preſidents do extend: But where the municipal Laws are ſilent or defective, there Recourſe is to be had to the Laws of Nature and Nations. Upon this account it was, that the Grave and Learned Serjeant *Maynard*, being applyed unto, as the fitteſt perſon, in reſpect of

his great Age and Learning, to ſignifie what the Laws of the Land did direct in ſuch an Exigence as this, replyed, *That it was true, he was the moſt ancient of all thoſe who attended that Profeſſion, that he had outlived ſeveral Kings, and ſeveral Sets of Judges, but now he had alſo outlived the Law it ſelf.* Intimating thereby, that the Caſe was ſo unuſual and extraordinary, that it went beyond the Direction of the municipal Laws, and therefore muſt appeal to a more remote Tribunal.

The Reaſon why I do more particularly ſingle out the Opinions of this famous Civilian upon this Occaſion, is becauſe of the great Credit and Authority he has obtained in the World, eſpecially amongſt the Clergy, and is above all other of his Faculty, moſt tender of the Rights and Prerogatives of Crowned Heads. Upon this account there can nothing reaſonably be objected to his Senſe of thoſe Scruples and Difficulties which ſome at preſent labor under. Therefore I deſire they would hear him in his own Words, with the moſt fair and genuine Tranſlation they will admit.

Grot. de Jure Belli & Pacis, Lib. 1. *Cap.* 4. *Sect.* 16.

Si Bello injuſto & cui Juris Gentium requiſita non adſint, Imperium arripuerit aliquis, neque pactio ulla ſecuta ſit aut fides illi data, ſed ſola vi retineatur poſſeſſio: videtur manere belli jus, ac proinde in eum licere quæ in hoſtem licet, qui, à quolibet etiam privato, jure

If any one by an unjuſt War, ſuch as wants thoſe Requiſits which by the Laws of Nations it ought to have, does uſurp a Government, nor afterwards enters into any *Compact* with the People, nor is there any Truſt repoſed in him, but his Poſſeſſion is maintained by Force; the right of War does in this Caſe ſtill continue, wherefore it is lawful to deal with him in all things as with

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poteſt interfici. In reos Majeſtatis, *inquit Tertullianus*, & publicos hoſtes omnis homo miles eſt.

an Enemy, for he may be juſtly ſlain by any private perſon. *Tertullian* tells us, *That againſt thoſe who are guilty of uſurping Majeſty, and againſt common Enemies, every one is a Soldier.*

I know but of three ways whereby *Empire* can be originally acquired. The firſt is by *Nature*, and the Governor a *Patriarch*, who immediately preſides over a Family or City of his own natural Generation, or claims the Government by a Lineal Deſcent from him who was the common natural *Anceſtor* of all his Subjects. To this *Title* I think there is no Prince now in the World lays claim: if there be, let him produce his Pedegree, and prove himſelf the *Primogenitus* by an Hereditary Line from the natural Father of his People, and I will not farther contend it with him.

The ſecond ſort of *Empire* is by *Conqueſt*, of which you ſee what *Grotius* ſays. But put the caſe the Conqueror had a Right *prior* to his *Conqueſt*, ſo that the War cannot be called *unjuſt*, yet after he has acquired the Government, he cannot at *once* be *in*, by two *Titles*, ſo as to exerciſe the reſpective powers given by both; becauſe if he holds by *Conqueſt* his power is *Abſolute*; if by *Contract*, then limited and directed by the People; and he cannot be both *abſolute* and *limited* at the ſame time. From hence it muſt neceſſarily follow, that by every Act wherein he tranſgreſſes his limited power, in uſurping what he had no manner of Right to, he renounces his lawful Title, and rules by force and violence only, and thereby the Conquerors unjuſt War, and the Peoples juſt Right to vindicate themſelves from this unjuſt uſurpation, is ſtill continued.

As the Caſe ſtands now with us in *England*, if the late King could have claimed by Conqueſt, as many have pretended he might, from *William* the Conqueror, only to palliate

palliate ſome illegal Proceedings; what has been done againſt him, and much more, in the Opinion of this learned Man, had been both lawful and juſtifiable. But if he claims neither as a Patriarch, nor by Conqueſt, then there is only left for him to claim by *Compact*, under which Qualification I deſire you would farther conſider him by the Rules which our learned Author lays down.

Grot. de Jure Belli, Lib. 2. Ch. 14. Sect. 4.

Promiſſa quoque plena & abſoluta atque acceptata, naturaliter jus transferre, demonſtratum ſupra eſt; quod itidem ad Reges, non minus quam ad alios pertinet, ita ut improbanda ſit, hoc quidem ſenſu, eorum ſententia, qui negant Regem teneri unquam his quæ ſine cauſa promiſit.

That Promiſes fully made and accepted do naturally transfer a Right, is already ſhewn. Now this holds as well in Kings as in private Men: their Opinions therefore are not to be allowed of, who hold, that what a King promiſes without a good cauſe, is not obligatory.

Contrary to this fundamental Law of Nature and Reaſon is the Opinion of thoſe Divines who hold all Kings to be *Jure divino*, and conſequently their Power abſolute; ſo alſo of thoſe common Lawyers who would juſtifie that all Conceſſions made by the Prince to his People, in diminution of his Prerogative Royal, (tho dangerous and deſtructive) are void and revokeable.

Ib. *Lib. 1. Ch. 4. Sect. 7. N. 3.*

Notandum eſt, primo homines non Dei præcepto ſed ſponte adductos, experimen-

'Tis to be obſerv'd, That Men did not originally unite into civil Communities by any Com-

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to infirmitatis familiarum ſegregum adverſus violentiam, in ſocietatem civilem coiiſſe, unde Ortum habet Poteſtas Civilis, quam ideo Humanam Ordinationem *Petrus vocat, quanquam alibi &* Divina Ordinatio *vocatur, quia hominum ſalubre inſtitutum Deus probavit. Deus autem humanam legem probans, cenſetur probare ut humanam & humano more.*

mand from God, but voluntarily, and from the experience they had that ſeparate Families were alone unable to reſiſt any foreign Force. From hence grew *Civil Power*, which *Peter* therefore calls an *Humane Ordinance*, tho elſewhere it is called a *Divine Ordinance*, becauſe God did approve thereof as ſuitable and convenient for the good of Mankind; but when God approves of an *Humane Law*, he muſt be ſuppos'd to do it as *humane*, and after an *humane manner.*

In this Paragraph our Author traces a lawful Empire to its Originals: he finds it then to reſide in the People, and derives it, together with the reaſons thereof, from *Them*, to ſuch Perſon or Perſons in whom it is by their Act and Sanction plac'd and confirm'd.

lb. *Lib.* 1. *Cap.* 4. *Sect.* 7. *N.* 2.

Ferri enim leges ab hominibus ſolent & delent cum ſenſu humanæ imbecillitatis. Hæc autem Lex de quâ agimus, pendere videtur à voluntate eorum qui ſe primum in ſocietatem civilem conſociant, à quibus jus porro ad imperantes manat. Hi vero ſi inter-

All Laws and Governments always are and ought to be eſtabliſh'd by the firſt Legiſlators with reſpect to humane Frailty. The Law we treat of (*viz.* of *Reſiſtance* in caſes of inevitable neceſſity) ſeems to depend upon the Intention of thoſe who firſt enter'd into Civil Society, from whom the

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rogarentur, an velint omnibus hoc onus imponere, ut mori præoptent, quam ullo casu vim superiorum armis arcere, nescio an velle se sint responsuri, nisi forte cum hoc additamento, si resisti nequeat, nisi cum maxima, Reipublicæ perturbatione aut exitio plurimorum innocentium, quod enim tali circumstantia caritas commendaret, id in legem quoq; humanam deduci posse non dubito.

Right of Governing is transferr'd to the Governor. If such were ask'd, Whether they intended to impose a Yoke equal to Death it self upon all who should offer to resist the Tyrannies of a superior Magistrate, by force, upon any account whatsoever; I much doubt, whether they would declare themselves in the Affirmative, unless perhaps to avoid the Inconveniencies which might attend such a Storm in the State, and the destruction of many Innocents: for what in this case Charity would oblige, may be received as a Law.

Here our Author gives another touch at the *Original* of Empire, and in effect tells us, that as it first was in the power of the People to make the Laws of *Government*, so it is absurd to think, that they should not by those Laws secure themselves against the Passions and Infirmities of the *Governour*, which they then made, that thereby they might be justifiable in re-assuming their native Liberty, so far as to repel by force the violence he should offer either to themselves or their Laws. To this effect, and more closely, does *Vasquius* write, *Lib.* 11. *cont. Illust.* cap. 82. n. 3. *Semper licet subditis si possint, in libertatem eam, scilicet quæ populi est, se vindicare: Quia quod vi partum est imperium vi possit dissolvi; quod autem ex voluntate sit profectum, in eo pœnitere liceat & mutare voluntatem.*

Grot.

Grot. de Jure Belli, Lib. 1. Cap. 4. Sect. 13.

Si Rex partem habet ſummi imperii, partem alteram populus aut Senatus, Regi in partem non ſuam involanti, vis juſta opponi poteſt, quia eatenus Imperium non habet: Quod locum habere cenſeo etiamſi dictum ſit, Belli poteſtatem penes Regem fore, id enim de bello externo intelligendum eſt: cum alioqui, quiſquis Imperii ſummi partem habeat, non poſſit non jus habere eam partem tuendi. Quod ubi ſit, poteſt etiam Rex ſui imperii partem, Belli jure amittere.

If the Supreme Power be divided between the King and the People, he may juſtly be reſiſted by Force if he invade that part which is not his own, becauſe his Power extended not to it. This I conceive muſt be allow'd, though the King have the Power of Peace and War; for this is to be underſtood of Foreign War. Whoſoever hath any part of the Supreme Power, muſt alſo neceſſarily have a Right to defend it; and where the Government is ſo conſtituted, the King himſelf may juſtly, by the Right of War, loſe even his own part of the Empire.

This is plainly the Caſe of *England*, where the *Supreme Power* is divided between the *King*, *Lords*, *and Commons*, and where the King in his greateſt Magnitude is always acknowledged to be *Minor Univerſis*. It is evident then, That if either of theſe three do break in upon the Rights and Priviledges of either of the other two, *Force* is juſtifiable to repell this Invaſion: as for inſtance, If any new *Precept*, *Ordinance* or *Command* ſhould be introduced as an obligatory Law; or if any Law formerly made ſhould be repeal'd or diſpenc'd with, which in effect are both the ſame, by any one of theſe three Eſtates, without the Concurrence of the other two in Parliament; this

is ſuch an Invaſion as *Grotius* here ſpeaks of, becauſe this Power of making and repealing a Law is *jointly* in the King and People, but in neither of them ſeparately. Now whether the erecting of an High Commiſſion Court directly contrary to an Act of Parliament, be not a virtual repealing of that Act; Whether the diſpenſing with ſeveral other *Statutes* be not equivalent with the aſſuming of a Power to abrogate them; Whether the eſtabliſhing a ſtanding Army in time of Peace be not a virtual Introduction of a new Law in it ſelf, and a Repeal of all the old ones in its Conſequences; and whether all theſe be not ſuch an *Invaſion* of that part of the Government which belongs to the People as will juſtifie Reſiſtance, let the World judge: If ſo, the Legality then of all that has been done or is farther likely to be done againſt ſuch an Invader, will eaſily appear. *Theodoſius* the Emperor often uſed this excellent Expreſſion, *Tantum mihi licet quantum per leges licet*; and St. *Paul* acquaints us with the Conditions of our Submiſſion not for Wrath but Conſcience ſake, *knowing that he is the Miniſter of God for our Good.* Nor indeed does it ſeem Chriſtian or reaſonable, to impoſe Obedience farther than it ſhall appear to be for the general Good of the People, for whoſe Safeguard and Protection, not their Ruine and Deſtruction, Government, nay Religion it ſelf, was firſt inſtituted. *Unicus imperii finis eſt populi utilitas*, ſaith *Junius Brutus*; and I cannot but concur with this fundamental Maxim, *Salus populi eſt ſuprema Lex.*

Grot. de Jure Belli, Lib. 1. *Cap.* 4. *Sect.* 10.

Si tamen Rex reipſâ etiam tradere Regnum aut ſubjicere moliatur, quin ei reſiſti in hoc poſſit non dubito. Aliud eſt enim ut di-

If a King ſhall endeavour to give up or ſubject his Kingdom to another, I doubt not but he may be reſiſted; for Empire is one thing, and the

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ximus imperium: aliud habendi modus, qui ne mutetur obſtare poteſt populus: id enim ſub imperio comprehenſum non eſt: Quò non male aptes illud Senecæ in re non diſſimili, Et ſi parendum in omnibus patri, in eo non parendum, quo efficitur ne Pater ſit.

manner of holding it another, the Alteration whereof the People may hinder, for that is not comprehended under the Notion of Empire it ſelf. To this may that Saying of *Seneca* be well applied, being in effect the ſame caſe, *Although an univerſal Obedience is required to Parents, yet not in thoſe things wherein they ceaſe to act like Parents.*

What Deſigns have been carried on to alter the Government by ſubverting the fundamental Laws thereof, and by private Leagues and Combinations with a neighbouring Prince, to ſubject the Kingdom to his Power by admitting of a foreign Army into it, is in part evident by the *French* King's Teſtimony, and in convenient time will farther appear, to add to thoſe many other weighty Inducements, which the People had, to proceed by ſuch Meaſures as the Wiſdom of the Nation has thought fit.

Grot. de Jure Belli, Lib. 1. *Cap.* 4. *Sect.* 9.

Si Rex aut alius quis imperium abdicavit aut manifeſte habet pro derelicto, in eum poſt id tempus omnia licent quæ in privatum, ſed minime pro derelicto habere rem cenſendus eſt qui eam tractat negligentius.

If a King or any other Superior Magiſtrate ſhall *abdicate* or manifeſtly *deſert* the Government, any thing may be lawfully done againſt him that may be done againſt a private Perſon: but he who governs only negligently, is not to be eſteem'd as one who hath deſerted.

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The Word ABDICATE in its proper Senſe, is uſed to ſignifie, when a ſuperior Magiſtrate does renounce and utterly withdraw himſelf from the Government, or from that ſhare of it which he holds. This may be done voluntarily and deſignedly, by transferring the Government to another by ſome formal method of Conveyance, as *Charles* the Fifth did to his Son, being himſelf inclined to become a Recluſe; or elſe there may be an involuntary and undeſigned *Abdication*, as when an *Office*, and the executing of the ſame, does determine by *Miſfeaſance*, or *Nonfeaſance*. The Word DESERT implies only a Nonfeaſance, and muſt naturally amount in all Miniſterial Offices (that of a King, who hath only the Executive Power, being no other) to an end and determination of the ſame, and thereby does veſt again in Him or them who firſt created or inſtituted the Office, an immediate power to erect and inſtitute a new *one*, together with ſuch an *Officer* as they they ſhall approve of to execute it, with ſuch Reſtrictions and Limitations as they ſhall think expedient. How far this poor Government has been *abdicated, renounced, deſerted* and forſaken by *Maleſeaſance, Miſfeaſance Nonfeaſance*, and at laſt by an utter *Derelition*, I need not repeat, it being too evident to all, but *thoſe who will not ſee*, than whom there is none ſo blind and incorrigibly ignorant.

Grot. De Jure Belli, Lib. 1. *Cap.* 4. *Sect.* 8.

Primum ergo, qui Principes ſub Populo ſunt, ſive ab initio talem acceperunt poteſtatem, ſive poſtea ita convenit ut Lacedæmone, ſi peccent in Leges & Rempublicam non tantum vi re-

Thoſe Princes who are inferior in power to the whole Body of the People, whether by original or ſubſequent Compact, as in *Lacedæmon*, if they violate the Laws, or wrong the Commonwealth, ſuch may not

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pelli possunt, sed si opus sit puniri morte, quod Pausaniæ Regi Lacedæmoniorum contigit.

only be resisted by force, but if necessary, be punished by death, which befel *Pausanias* King of the *Lacedæmonians*.

How sacred the person of a King is, I cannot determine; but to his Office, as to all things that are for universal good, whilst executed in order to that end, I will allow a Character of Sanctity. Some Kings, such as were by God's immediate appointment, are stiled, *His anointed*, and were handed to his People with a particular command to be tender of their persons; but this must be understood of such only, who are also *Nursing Fathers* to their People; for of *others* of a different stamp, the Scripture speaks but with a slender respect, when it says, *I have given you a King in my wrath.* In *Deut.* we find the People left to chuse a King from among their Brethren, and *Moses* elsewhere prescribing Laws to him. *David* makes a League with the People at *Hebron*, which was doubtless that original Contract, according to which he was *to go in and out before them.* It was a noble expression of the Emperor *Trajan*, when he delivered a Sword to a Captain of the Pretorian Band, and said, *Hoc pro me utere si recte impero, si male contra me:* but it is not upon every small occasion, that *Kings may be bound in fetters*, or that *Trajan*'s Sword should be inverted to his own Breast. A King's Office is sacred, and so is his Right also, which, while it keeps within its due limits, ought not to be invaded. The Laws of God do in positive Terms command Honor and Obedience as well as Tribute to be paid to him, with which the municipal Laws of this Kingdom do equally conspire in favor of his Dignity and Person. But Divine as well as Human Laws, tho they sound absolutely, yet refuse not upon extraordinary Exigencies, to submit to implyed Exceptions. Upon this

this account, the Jewiſh Doctors in caſe of their *Sabbath*, which of all things was eſteemed moſt ſacred amongſt them, and the Laws for the obſervance of it moſt ſtrict and abſolute, yet they held that *Periculum animæ impellit Sabbathum*, and for the ſame reaſon Chriſt himſelf juſtifies the breach of Sabbath, and eating of the Shew Bread, in caſes of extreme neceſſity; ſo likewiſe muſt the danger be imminent, and the neceſſity very urgent, that can any ways excuſe ſo much as an irreverend thought of *Majeſty:* yet, as the great Law of Neceſſity is ſuperior to all others, ſo will it ſometimes juſtifie ſuch Acts as are againſt all Laws of an inferior Order. In ſuch caſes the People *are*, *muſt* and *will* be abſolute and arbitrary, and therefore they cannot by any Contract or Promiſe either with Prince or Peaſant, renounce and abdicate this great Law of Self-preſervation, in affirmance of which great truth. *Johannes Major in lib. 4. Sententiarum*, thus expreſſes himſelf, *Non poſſe populum à ſe abdicare poteſtatem deſtituendi Principis in caſu quo ad deſtructionem vergeret.* But how far the preſent Exigence may juſtifie the act of the People in altering of the Succeſſion where the *Monarchy* is hereditary, and the *Heir* may plead his Innocence, the following Authorities will reſolve.

Grot. De Jure Belli, Lib. 2. cap. 4. Sect. 10. N. 2.

Scitendum eſt, ejus qui nondum natus eſt nullum eſſe jus, ſicut nec ulla ſunt accidentia rei non exiſtentis. Quare, ſi populus, à cujus voluntate jus regnandi proficiſcitur voluntatem mutet, iis qui nondum nati ſunt, ut quibus jus quæſitum nondum eſt, nullam facit injuri-

We muſt know, that no Right can belong to him who is yet unborn, as that which hath no exiſtence can have no accidents. Wherefore, if the *People*, from whoſe *Will* all Right of Sovereignty did originally proceed, ſhould happen to change their *Will*, yet cannot they be ſuppoſed there-

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am. Sicut autem populus expreſſe mutare voluntatem poteſt, ita & tacite credi mutaſſe. Mutata igitur populi voluntate, neque dum exiſtente eorum jure qui expectari poſſunt, parentibus autem è quibus naſci poſſunt, qui jus ſuo tempore eſſent habituri, id ipſum jus derelinquentibus, nihil eſt quod obſtet quo minus illud ut derelictum, ab alio occupari poſſit.

by, to injure them who have yet acquired no Right. And as the *People* may be believed to change their *Will* by expreſs words, ſo they may tacitly likewiſe: allowing then, that the *People* have changed their *Will*, and that ſuch future Rights have no real exiſtence in thoſe who are only in expectancy; but that the Parents from whom they may be born, having in them this Right, did relinquiſh the ſame, what ſhould hinder but that which is thus derelinquiſhed may be poſſeſſed by another.

This Point of *Succeſſion*, upon ſuppoſition that the pretended Prince of *Wales* was really born of the Queen, requires a deciſion, for it happening before any alteration actually made in the Government, leaves the point to turn upon the *Change* of the Peoples *Will*. Our Author here takes notice of an *expreſs* and a *tacit Change*. That the People did in a publick formal manner change their *Will* as to the Succeſſion, before the Birth of this Child, I cannot ſay; but it is certain, that they did generally ſhew their Averſions to ſuch a Succeſſion, long before this Birth, and would undoubtedly have done it in a more publick legal Method, had they not been awed by an illegal ſtanding Army. As to a *tacit Change* of their *Will* none can doubt, but it had a full *Exiſtence* before the young Prince had his, bearing date from that day, wherein publick Prayers and Thanks were by Order, offered up for the Queens pretended Conception, and may by this Parliament, be accordingly ſo declared.

Grot. de Jure Belli, Lib. 2. Cap. 7. Sect. 26.

Similis eſt quæſtio, an abdicari poſſit Regnum, aut jus ſuccedendi in Regnum: & quin pro ſe quiſque abdicare poſſit non eſt dubium: an & pro liberis, magis controverſum.

Ib. *Illud intereſt inter* Natos *&* Naſcituros, *quod* Naſcituris *nondum quæſitum ſit jus, atque ideo, auferri iis poſſit populi voluntate, ſi etiam parentes, quorum intereſt jus ad filios tranſire, jus illud remiſerint: quo pertinent ea quæ de relictione ſupra diximus.*

It is ſuch another Queſtion, Whether a King can ſo *abdicate* his Kingdom as to deſtroy the Right of *Succeſſion* to his Son. That he may abdicate for himſelf is not doubted; but whether for his Children alſo, is the Queſtion.

The diverſity depends upon the Childrens being born *before* or *after* the Renunciation, for thoſe who are yet unborn, the People may deprive of this Right, becauſe it is not yet accru'd, if the Parents, whoſe Intereſt it is that ſuch Right ſhould deſcend to the Children, do alſo remit it. To the ſame purpoſe is what has been ſaid concerning *Abdication.*

Our Author does here again affirm a *change of Succeſſion* to be lawful, upon the *change* of the *Peoples Inclination.* But he is alſo farther of opinion, that a King may *abdicate* for a Child unborn as well as for himſelf. It is already ſufficiently proved by the Authority of this Author, and others, That a Breach of the Office and Duty of a King is an *Abdication ipſo facto*; and if ſo, that of King *James* II. may bear date from the day he firſt erected the Court of *Eccleſiaſtical Commiſſioners*, eſtabliſh'd a ſtanding *Army* in the Nation, or took thoſe *Cuſtoms*, the Grant whereof expired by K. *Charles* the Second's Death, and ought

ought not to commence again till given by another Parliament. This was done in the very Infancy of his Reign, whereby his *Abdication* became an early Act, and did betimes cut off both such real and supposititious Issue, as might after pretend by Birth and Title to bring in Popery and Slavery into this Nation.

Grot. de Jur. Belli, Lib 2. *Cap.* 7. *Sect.* 27. *N.* 2.

Si de primævâ populi voluntate (in Successione controvertendâ dictum) quæstio incidat; non abs re erit, populum qui nunc est, quique idem cum eo qui olim fuit censetur, suum super ea re sensum exprimere; qui sequendus erit, nisi satis certo constet, olim aliam fuisse populi voluntatem, & ex eâ jus quæsitum.

If (in discussing of a Right of Succession) any doubt does arise, it would be convenient that the People who now are, and may be supposed to be of the same mind with their first Ancestors, should express the sense of the matter; which ought to be pursued, unless it be manifest, That the original Will of the People was otherwise, and from thence a Right was established.

Our Author, in his own Annotations upon this Paragraph, farther adds, That such Disquisition may be made by Convention of the States (viz. *The Lords and Commons*) as it was in *England* in the Year 1571 and 1572, according to *Camden*. In the two former Paragraphs he puts Cases about the change of a *Succession*, and resolves them; but by this and by his Annotations thereupon, when any other Doubts shall arise concerning Succession, he leaves them to the Decision of the People, and particularly to the States of *England* by express Name; as if they were more undoubted Judges in such Controversies than the States

States of any other Nation: and they, according to this Learned Author's Opinion, have regularly and justly proceeded to assert their own Rights, and to settle both them and the Succession of the Crown, for the future, upon such an Establishment, that we may reasonably hope and believe, that all the Powers of *France*, or Prayers of *Rome*, no nor the very Gates of Hell, shall ever be able to prevail against them.

FINIS.